

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 ABBOTT DIABETES CARE INC. ET AL,

No. C05-03117 MJJ

12 Plaintiff,

**ORDER REGARDING PROTECTIVE
ORDER**

13 v.

14 ROCHE DIAGNOSTICS CORPORATION ET
AL,

15 Defendant.

16 _____/

17 On May 9, 2006, the parties submitted a Proposed Stipulated Protective Order. The Court
18 hereby orders the parties to submit a revised protective order complying with the requirements set
19 forth below.

20 1) When defining what constitutes “Confidential Information,” add a provision which
21 provides that the information sought to be protected is properly subject to protection
22 under FRCP Rule 26(c) and that counsel shall not designate any discovery material
23 “CONFIDENTIAL” without first making a good faith determination that protection is
24 warranted.

25 2) Provide detailed instructions for filing confidential materials under seal. In addition
26 to placing documents in a sealed envelope with instructions that the document is filed
27 pursuant to the Stipulated Protective Order and that the envelope is not to be opened
28 absent further order of the court, the envelope should be labeled to identify the title

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1 of the case, the case number, and the title of the document.

2 3) Add a provision which provides adequate means for challenging a confidentiality
3 designation.

4 4) Add a provision placing the burden of proof on the party seeking protection to show
5 that such protection is warranted.

6 5) Attach a sample non-disclosure agreement, which should include an
7 acknowledgment that the confidentiality order has been read, that the party has
8 agreed to be bound by its terms, and that the party agrees to submit to the jurisdiction
9 of this court if any dispute arises over their use of the information.

10 6) Designate a time limit on the Court's jurisdiction to enforce the terms of the order.
11 (e.g., six months after final termination of the action).

12

13 **IT IS SO ORDERED.**

14
15 Dated: May 12, 2006

16 
17 MARTIN J. JENKINS
18 UNITED STATES DISTRICT JUDGE